

REMARKS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1, 18-26, and 28-36 are pending. Claim 1 is amended. New claims 34-36 are added. Support for amended claim 1 is found in at least specification page 11, Table I, Examples 1-14. Support for new claim 34 is found in at least original claim 1. Support for new claim 35 is found in at least original claims 9-12. Support for new claim 36 is found in at least specification page 11, Table I, Examples 1-14. Thus, no new subject matter is added.

At item 1, the Office Action objects to the specification due to the recitation of the language “Claim 1 of the present invention.” Applicants have now amended the specification to delete the reference to “Claim 1” in order to overcome the objection.

At item 2, the Office Action rejects claims 1, 18-26, and 28-33 under 35 U.S.C. § 102(b) as anticipated by Coustet et al. (WO-02/48065).

In particular, the Office Action asserts that Coustet et al. discloses a transparent substrate with a stack of thin layers, including dielectric and functional layers. The Office Action also asserts that a thin layer of metal or metal or optionally nitrided substoichiometric metal oxide may be inserted between each functional layer and the coating placed above it. The Office Action further notes that the thin layer can be titanium, niobium or nickel-chromium alloy layer (citing page 2, ¶ 27). Consequently, the Office Action concludes that the thin layer can also be considered both a sacrificial and absorbent layer.

Applicants have now amended claim 1 to more precisely correspond to the teachings disclosed in the present application. In particular, claim 1 has been amended to recite a coating “consisting essentially of” a specific sequence of layers. Notably, in amended claim 1, a first absorbent layer is present between the first dielectric and the first functional layer and between the last functional layer and the last dielectric (without considering optional

barrier layers). At the same time, the specification of the present application criticizes the teachings of Coustelet et al. on page 3, lines 19-27 for undesirably complicating the manufacturing process by inserting the absorbent layer between two dielectric layers. Thus, the teachings of Coustelet et al., which require an absorbent layer between two dielectric layers (see, e.g., abstract and ¶ 13), are not covered by amended claim 1. Indeed, Coustelet et al. further repeatedly teaches against having the absorbent layers in direct contact with the silver layers as recited in the present claims (see, e.g., ¶¶ 13, 18). Thus, Coustelet et al. does not disclose the particular coating structure recited in claim 1, and in fact teaches away from it by placing absorbent layers between the dielectric layers rather than adjacent to the infrared reflecting layer.

Accordingly, Coustelet et al. does not disclose or suggest the features recited in claim 1, or in claims 18-26 and 28-36 which depend on claim 1. It is submitted that amended independent claim 1 and dependent claims 18-26 and 28-36 depending therefrom are in condition for allowance.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for claims 1, 18-26, and 28-36 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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